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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,551	03/10/2004	Wen-Kuo Lin	SISP0013USA	2550

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EXAMINER	
VANCHY JR, MICHAEL J	
ART UNIT	**PAPER NUMBER**
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/17/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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TH

Office Action Summary	Application No.	Applicant(s)	
	10/708,551	LIN, WEN-KUO	
	Examiner	Art Unit	
	Michael Vanchy Jr.	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-5 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Distinguishing between "whether a digital picture to be generated will comprise a digital image generated from the section loaded in step (b)" is never disclosed within the specification.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The method of claim 2 wherein step (c) comprises following steps: (e) determining whether a digital picture to be generated will comprise a digital image generated from the section loaded in step (b); (f) if so, scaling the section loaded in step

(b) to generate the digital image in step (e); and (g) if not, repeat step (e) for other digital pictures to be generated

It is unclear of what occurs to the digital picture that is not comprised of a digital image generated from the section loaded in step (b). The examiner will continue with examination of the claim believing that the picture is no longer used.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al, US 5,953,463.

Re claim 1, a method for scaling a digital picture (Tanaka, Fig. 21) to generate a plurality of different size pictures (Tanaka, col.17 line 42 "variable scaling process") comprising following steps: (a) providing a scaling engine (Tanaka, Fig. 21); (b) loading a section of the digital picture to the scaling engine (Tanaka, Fig. 21); and (c) scaling the section loaded in step (b) to generate digital images of different sizes (Tanaka, col.17 line 42 "variable scaling process").

Re claim 4, the method of claim 1 wherein the section loaded in step (b) is loaded to an interpolation filter of the scaling engine (Tanaka, Abstract).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claim 1 above and further in view of Slavin, US 6,993,207.

Re claim 2, Tanaka teaches the method of claim 1, but fails to further teach comprising: (d) repeating steps (b) and (c) until all sections of the digital picture are scaled so as to generate digital pictures of different sizes. However, Slavin does to ensure that all image sections are being loaded and resized accordingly (see Figure 2, col. 5, line 35 – col. 6, line 29, *"Samples are read 204 into the resizing engine from the external memory, and the samples are processed 206 as previously described (and further described below). The samples are processed according to the configuration of the resizing engine components. Processed samples are written 208 back to the main memory. It is determined 210 whether the sample just*

processed is the final sample of the image to be processed. If the sample is not the final sample of the image to be processed, a next sample is read 204 and processed 206. If it is the final sample, it is determined 212 whether the pass just completed was the final pass of the resizing operation as dictated by the software routine. If the last pass completed was not the final pass, the resizing engine is configured 202 for the next pass. If the pass just completed was the final pass, the resizing process is finished 214").

Therefore, taking the combined teaching of Tanaka and Slavin as a whole, it would have been obvious to modify Tanaka to have repeated iterations of loading different image sections as taught by Slavin to ensure that all image sections are resized accordingly.

Re claim 3, the method of claim 2 wherein step (c) comprises following steps: (e) determining whether a digital picture to be generated will comprise a digital image generated from the section loaded in step (b); (f) if so, scaling the section loaded in step (b) to generate the digital image in step (e); and (g) if not, repeat step (e) for other digital pictures to be generated.

As noted in the 112, 1st paragraph rejection above, the examiner takes the claimed limitation above as taking the digital image and executing the method in claim 2. Thus, claim 3 is rejected for the same analysis as stated in claim 2.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claim 4 above and further in view of Kim et al, US 6,714,692 B1.

Re claim 5, Tanaka teaches the method of claim 4, but fails to teach wherein size of the section loaded in step (b) is determined according to size of the interpolation filter. However, Kim does to allow scaling the image in accordance to the size of the filter window (see col. 7, lines 18-26, *"adding as much as a width of the filter window...and adding as much height of the filter window"*).

Therefore, taking the combined teaching of Tanaka and Kim as a whole, it would have been obvious to modify image scaling in Tanaka in accordance to the size of interpolation filter as taught by Kim to generate multiple scaled images.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vanchy Jr. whose telephone number is (571) 270-1193. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm Alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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